



MIAMI BEACH

OFFICE OF THE CITY MANAGER

NO. LTC # 030-2013

LETTER TO COMMISSION

RECEIVED
2013 JAN 32 AM 11:24
CITY CLERK'S OFFICE

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Kathie G. Brooks, Interim City Manager

DATE: January 31, 2013

SUBJECT: **Legislative Update**

The purpose of this LTC is to provide the Mayor and City Commission with an update on legislative issues at the County, State, and Federal levels.

State Legislative Agenda

On January 16, 2013, the Mayor and City Commission approved the City's 2013 State Legislative Agenda, establishing the City's priorities for the upcoming legislative session. Attached, please find the 2013 Pre-Session Report (Attachment 1) provided by the City's state lobbyists, with an update on the pre-session activity that has taken place, as well as any action that has occurred regarding the City's priorities. Additionally, on January 22, 2013, the Committee for Quality Education approved the following motion:

The Committee for Quality Education requests that the Mayor and Commission support the legislative initiatives proposed and supported by the Miami Dade County School Board. The Committee also requests the Commission to incorporate student health and wellness into its child-supportive elements of its legislative agenda.

The legislative agenda adopted by the Mayor and City Commission included a request that the State enhance resources for student safety and health and wellness. The legislative agenda will be updated to reflect the request by the Committee for Quality Education. A copy of the Miami-Dade County Public Schools legislative agenda is included as Attachment 2.

County Actions

On January 23, 2011, the Miami-Dade County Board of County Commissioners (BCC) approved, on a 9-4 vote, Agenda Item 11(A)(28), which is a Resolution (Attachment 3) urging the Florida Legislature to enable the County to levy an additional penny of professional sports bed tax and permit the State to grant a State sales tax rebate from the sale of goods and services at Sun Life Stadium in order to fund a portion of the costs expended for the upgrade and modernization of Sun Life Stadium.

This Resolution only supports an amendment to Chapter 125, Florida Statutes, to authorize the collection of an additional one-cent bed tax in hotels that are not located in Miami Beach, Surfside, or Bal Harbour. The BCC directed the County Mayor to begin negotiations with the Dolphins, and they will not consider taking a position on or endorsing funding for the proposed improvements to Sun Life Stadium until after those negotiations take place.

Letter to Commission
January 31, 2013
Legislative Update

Federal Actions

On January 23, 2013, Congresswomen Debbie Wasserman Schultz and Lois Frankel met with the Army Corps of Engineers regarding the ongoing efforts to identify a long-term source of sand for renourishment of the City's beaches. The Administration and the City's federal lobbyists provided Rep. Wasserman Schultz' office with updated information (Attachment 4) on the situation and the City's request that the Army Corps immediately identify a suitable sand source for beach renourishment. During the meeting, Congresswoman Wasserman Schultz directed the Corps to complete the final report regarding the availability of domestic sand no later than June.

Additionally, work will begin soon in the U.S. Senate on a new Water Resources Development Act (WRDA). Congresswoman Wasserman Schultz has committed to advancing language in WRDA and the Energy and Water appropriations bill to keep the sand needs of Miami Beach moving forward. The Administration and the City's federal lobbyists will continue to work with her office to determine the language the City will request Senators Nelson and Rubio to include in that legislation.

Conclusion

The Administration will continue working with the City's representatives in support of the legislative agendas, and will provide periodic updates via LTC. In the meantime, if you have any questions please do not hesitate to contact me.

KGB/MAS/kc

Attachments:

1. Pre-Session Legislative Report
2. Miami-Dade County Public Schools State Legislative Agenda
3. Board of County Commissioner Agenda Item 11(A)(28)

ATTACHMENT 1

RUTLEDGE ECENIA
PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

MICHAEL J. BARRY
STEPHEN A. ECENIA
RICHARD M. ELLIS
DIANA FERGUSON
MARTIN P. McDONNELL
J. STEPHEN MENTON
R. DAVID PRESCOTT

POST OFFICE BOX 551, 32302-0551
119 SOUTH MONROE STREET, SUITE 202
TALLAHASSEE, FLORIDA 32301-1841

TELEPHONE (850) 681-6788
TELECOPIER (850) 681-6515

MARSHA E. RULE
GARY R. RUTLEDGE
MAGGIE M. SCHULTZ
GABRIEL F.V. WARREN

HAROLD F.X. PURNELL
OF COUNSEL

GOVERNMENTAL CONSULTANT
JONATHAN M. COSTELLO

MEMORANDUM

To: Kevin Crowder
Via electronic mail

From: Gary Rutledge
Diana Ferguson
Jon Costello

Copy: Fausto Gomez
Bob Levy
Manny Reyes
Evan Power
Jose Diaz
Erica Chanti

Date: January 28, 2013

RE: **2013 Pre-Session Report**

POLITICAL ISSUES

State Leaders Announce Funds for Foreclosure Aid

Last week, Attorney General Pam Bondi, Senate President Don Gaetz, and House Speaker Will Weatherford announced that it will allocate \$200 million of a multistate settlement with five large banks for the Legislature to appropriate during the 2013 Legislative Session. It was announced that the money would go to aid Florida's housing market and homeowners affected by the robo-signing scandal. The money could be used to fund affordable housing programs, foreclosure prevention, neighborhood rehabilitation, renter and homeowner assistance, legal aid, and housing counseling programs. The money could also be used to pay for more judges to

handle foreclosure cases. Last week, the Legislative Budget Commission approved a \$60 million package of relief that most notably included \$35 million in assistance to first-time homebuyers. We will monitor this funding and advocate for allocations that continue efforts similar to the Neighborhood Stabilization Program which the City successfully accessed and implemented.

LEGISLATIVE ISSUES

Delegation Meetings

Team members met with Senator Margolis and Representative Richardson this week to discuss the City's legislative agenda. Senator Margolis was familiar with many of the issues on the City's agenda and the meeting with her went well. We also had a good meeting with Representative Richardson. He expressed an interest in several issues on the City's agenda, including beach renourishment, local business taxes, parking revenue, pension reform, and destination resorts. He asked to be kept up to speed on these issues as they evolve, and we promised to continue a dialogue with him on these issues. He has also filed HB 433, which would create an Inspector General for Citizens Property Insurance Corporation.

Critical Legislative Priorities

Beach Renourishment

The City of Miami Beach legislative team routinely works with the Florida Shore and Beach Preservation Association and representatives from other coastal cities and counties to support funding of the state share of beach renourishment. Florida law provides that \$30 million in documentary stamp revenues are to be allocated to beach projects. While funding has been a challenge in recent years due to the economic decline, the program has maintained a reasonable level of funding even as other priority environmental programs have received no funding. Last year, for example, the beach program was funded at \$27 million, with \$5 million going to program operations and \$22 million going to beach projects.

This year presents an additional challenge because there are four federal projects on Florida's Southwest coast that sustained damage from Tropical Storm Debby, as well as nine federal projects on Florida's East Coast from Brevard to Broward County that sustained damage from Hurricane Sandy. There were also several non-federal projects that currently have no federal funding available because Florida's request for FEMA funding was denied. An appeal was filed which was also denied. The damage to projects that normally would have received 100 percent FEMA funding totals \$54 million. Complicating things further, if those FEMA projects are not maintained by the state and local governments, they cannot apply for FEMA funding in the

future. There are several interested legislators whose districts have sustained damage. Most understand that the state must step up to the plate with funding to address these projects; however, it is too soon to know whether there will be supplemental funding and at what level. There does appear to be interest in providing as much funding for beach projects as possible, although the focus will likely be on the hardest hit beaches this year.

Sea Level Rise

There has not yet been any legislative focus on sea level rise in preparation for the 2013 Session. However, we will continue to press this issue and keep the City informed of any legislative or administrative developments in this regard.

Business Tax Receipts

The legislative team continues to work with the Florida Association of Counties, Florida League of Cities, and other interested cities and counties on this issue. Last year, legislation to repeal the business tax receipt was filed by Senator Hays and Representative O'Toole, both from The Villages. No legislation has been filed to date for the 2013 legislative session but it is likely that there will be legislation and that the issue will be discussed in the Finance and Tax Committees.

Stadium Funding

HB 165 by Representative Gonzalez and SB 306 by Senator Braynon provide that tourist development tax revenues may also be used to pay the debt services on bonds that finance the renovation of a professional sports facility that is publicly owned, or that is on land publicly owned, which is publicly operated or operated by the owner of a professional sports franchise or other lessee. The bills also require private contributions to the professional sports facility as a condition for the use of tourist development taxes.

Legislative Priorities

Miami Beach Convention Center

The City of Miami Beach legislative team will work to identify funding options to provide for future state support of significant convention center projects. We will specifically work to identify relevant economic development incentives and opportunities as the project specifics evolve and the structure of the venture becomes clear.

Election Reform

Several bills have been filed related to elections and voting, including:

- HB 25 relating to Elections by Representative Rouson
- SB 80 relating to Elections by Senator Joyner
- SB 82 relating to Early Voting by Senator Margolis
- SB 114 relating to Elections by Senator Sachs
- SB 176 relating to Elections by Senator Diaz de la Portilla
- HB 247 relating to Paper Reduction by Representative Nelson
- HB 249 relating to Public Records by Representative Nelson
- HB 385 relating to Overseas Voter Ballots by Representative R. Rodrigues
- HB 397 relating to Constitutional Amendments by Representative Stafford
- HB 445 relating to Voter Access Guarantee by Representative Williams
- HB 449 relating to Early Voting by Representative Castor Dentel
- SB 388 relating to Elections by Senator Soto

These bills all relate to various voting issues, including early voting locations, days and hours, length of ballots, and even allowing for sample ballots to be received by email in an optional manner. However, none of the bills match up neatly or address all of the elections and voting issues that have been discussed in the legislative workshops. The Senate Ethics and Elections Committee appear poised to act on legislation on a shorter timeline. They have been more immediately focused on a Proposed Committee Bill relating to Ethics, but they have had several workshops related to Elections and are expected to release a Proposed Committee Bill on this as well. The House appears to be handling these in a slower manner but they are also expected to release proposed legislation. The Governor recently stated that up to 14 days of early voting should be offered during the next election in Florida, including the Sunday before Election Day. He also recommended that lawmakers limit the length of constitutional amendment summaries placed on the ballot by the Legislature in order to shorten ballots.

Parking Revenue

The Department of Transportation has recommended in its proposed legislative package that the revenue from parking meters be turned over to the state. This presents numerous complications since the City of Miami Beach and other local governments bond the revenues from parking meters. Additionally, local governments sign maintenance agreements that require them to maintain the roads and parking meters, and local police are patrolling the roads. The League of Cities has come out vocally against this proposal. This concept has not made it into legislation as of yet. We are coordinating our efforts with the League of Cities and other affected local governments to defeat this proposal.

Pension Reform

SB 458 by Senator Ring would require insurance premium tax revenues to be used in the following order: first, to meet the annual costs associated with providing the minimum benefits for defined benefit plans required by state law; second, to meet the annual costs associated with any additional pension benefits; third, if the plan has an actuarial deficiency, fifty percent of the remaining revenues shall be allocated as additional contributions to fund such deficiency; and fourth, any remaining funds shall be used to provide supplemental benefits, defined in the bill as those benefits provided in a defined contribution plan. The bill also requires an additional mandatory payment that locks in 2011-2012 plan year payment levels.

Windstorm Insurance

HB 433 by Representative Richardson and SB 386 by Senator Abruzzo would create an Inspector General for Citizens Property Insurance Corporation. HB 107 by Representative Jose Felix Diaz and SB 96 by Senator Flores provide that restrictions on annual rate increases apply to both new and renewal policies. Citizens continues to be a topic of discussion legislatively and there may be other legislation filed to reform Citizens.

Red Light Cameras

HB 4011 by Representative Campbell repeals provisions in state statute that authorize local governments to use traffic infraction detectors, or red light cameras. The bill does not have a companion. We will alert the City as other legislation is filed on this issue.

Destination Resorts

The House has not yet spent any time on gaming issues. However, today Speaker Will Weatherford announced that Representative Rob Schenck will chair the House Select Committee on Gaming. The Select Committee will conduct a comprehensive review of Florida's gaming industries and will report its findings and recommendations prior to the 2014 Legislative Session. The Senate Gaming Committee has held two workshops on gaming issues, but this committee will not likely meet once committee weeks are over and the Legislative Session commences. However, there will be hearings around the state following the Legislative Session and there may be a legislative proposal in 2014.

Synthetic Drugs

SB 294 by Senator Bradley adds to the list of Schedule I controlled substances certain specified materials, compounds, mixtures, or preparations that contain hallucinogenic substances, or any

of their salts, isomers, and salts of isomers. It does not yet have a companion. We will continue to monitor this issue and will keep you posted as other legislation is filed.

Texting While Driving

There have been several bills filed on this issue, including:

- HB 13 by Representative Holder
- SB 52 by Senator Detert
- HB 61 by Representative Slosberg
- SB 74 by Senator Sachs
- SB 152 by Senator Altman
- SB 396 by Senator Abruzzo

These bills take different approaches to the issue, with some banning texting while driving, and other banning the use of cell phones for teenage drivers. AT&T has actively supported a ban on texting while driving. Miami-Dade County also supports such a ban. The legislative team will work with other interested parties to support a legislative solution.

Online Hotel Tax and Sales Tax Collections

No legislation has been filed on this issue. We will continue to monitor this issue and will keep you posted as it develops.

Other Legislation

Regulation of Smoking by Local Governments

HB 439 by Representative Hagar and SB 258 by Senator Bradley authorize local governments to regulate smoking on outdoor municipal or county property. The Senate bill has been referred to three committees. The House bill has not yet received committee references.

OTHER ISSUES OF INTEREST TO THE CITY

Florida Economic News

The Florida Realtors released a report last week which states that Florida home sales closings jumped in December by 15.8 percent over last year, while pending sales jumped 39.7 percent over last December. The median price of homes sold during 2012 was up 14.1 percent to \$154,000. Regionally, existing home sales in South Florida were up 14.7 percent from last December.

2013 Session Dates

February 4, 2013	Interim Committee Week
February 11, 2013	Interim Committee Week
February 18, 2013	Interim Committee Week
March 1, 2013	House Bills must be in final draft form
March 5, 2013	Regular Session convenes
March 5, 2013	12:00 noon, deadline for filing bills for introduction
April 3-4, 2013	Miami-Dade County Days
May 3, 2013	60 th day – last day of Regular Session

ATTACHMENT 2



2013 STATE LEGISLATIVE PRIORITY POSITIONS

Miami-Dade County Public Schools

FUNDING:

- **Modify** the compliance of the Constitutional Class Size Requirement to be assessed at the school-wide average as it is applied to charter schools.
- **Invest** in education by designating a percentage of economic growth dollars to education.
- **Maintain** the current employers' contribution rate to the Florida Retirement System by absorbing the planned increase for the 2013-2014 fiscal year.
- **Support** maximum flexibility in the use of categorical funds, i.e., conversion of instructional materials to digital formats.
- **Oppose** unfunded state mandates.

CAPITAL FUNDING:

- **Fully fund** provisions of Florida Statute 1013.64 pertaining to the Public Education Capital Outlay Program that involve construction and maintenance programs of public school districts.
- **Oppose** any diversion of Local Discretionary Capital Outlay levy revenue from traditional public schools to charter schools.

SCHOOL SAFETY

- **Increase** funding for Safe Schools to implement and expand interventions that focus on reducing disruptive and aggressive behaviors and strengthen emotional and behavioral competencies of students.
- **Support** legislation that implements harsher penalties for individuals who deliberately place pornographic or obscene materials in school zones. **Bills: SB 86** by Sen. Flores/**HB 113** Rep. Diaz

WORKFORCE DEVELOPMENT:

- **Continue** to allow co-enrollment as an option for high school students who need credit recovery or to improve their cumulative grade point average for graduation. **Bills: SB 76** by Sen. Flores/ **HB**

ACCOUNTABILITY:

- **Exempt** ESE centers from the school grading system, develop alternative assessment model that appropriately measures student achievement, and establish statewide criteria for student placement in ESE centers.
- **Eliminate** the requirement to pass EOC exam(s) for promotion, and ensure that EOC's do not exceed more than 30 percent of a student's final grade.
- **Ensure** charter and private schools adhere to the same teacher certification, student placement and progression policies to comply with federal and state accountability requirements.
- **Revise** the current assessment and accountability systems to:
 - ✓ include data from multiple forms of assessments;
 - ✓ eliminate the practice of using student standardized test performance as the only gauge for student and school performance;
 - ✓ assess student proficiency based on progress made during the entire school year;



- ✓ authorize alternate methods for learning assessment and achievement for ESE and English Language Learners (ELL) students; and,
- ✓ Administer the Florida Comprehensive Assessment Test (FCAT), PARCC, and other statewide assessments in multiple languages as allowed by federal regulations.

PARENT EMPOWERMENT

- Oppose any changes regarding conversions of traditional public schools to charter schools that dilute the role of parents, teachers, and community stakeholders.

CAPITAL OUTLAY FOR CHARTER SCHOOLS

- Support capital funding for charter schools that:
 - ✓ Creates neither a reduction of funding to traditional public schools in operating or capital funding nor an additional taxing mandate on the local school district;
 - ✓ Requires public input; and
 - ✓ Protects the taxpayers' investment by ensuring that capital funding be spent only on assets that can be returned to the public school district.

CHARTER SCHOOLS

- Allow traditional public schools to extend statutory flexibility on the exemption from State Required Education Facilities (SREF), categorical funding, accountability, class size reduction compliance, and penalties not affecting charter schools.
- Improve safeguards and transparencies for taxpayer investments between traditional public schools and charter schools, including, but not limited to, implementing the following safeguards:
 - ✓ Require that charter school applications and lotteries be administered by local school boards to ensure a fair, equitable, and transparent admission process for all students;
 - ✓ Allow local school districts to negotiate appropriate usage fees based on market comparables;
 - ✓ Require funding to follow the student when transferring between charter and traditional public schools during the entire school year; and
 - ✓ Establish similar traditional public school financial disclosure standards for charter school officers and/or related parties involved in financial decision making.

ATTACHMENT 3

MEMORANDUM

Agenda Item No. 11(A)(28)

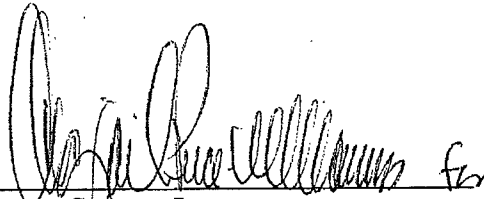
TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: January 23, 2013

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution urging the Florida Legislature to enact legislation to enable the County to levy an additional penny of professional sports bed tax and permit the State to grant a State sales tax rebate from the sale of goods and services at Sun Life Stadium in order to fund a portion of the costs expended for the upgrade and modernization of Sun Life Stadium

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.



R. A. Cuevas, Jr.
County Attorney

RAC/smm



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: January 23, 2013

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 11(A) (28).

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(28)
1-23-13

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION TO ENABLE THE COUNTY TO LEVY AN ADDITIONAL PENNY OF PROFESSIONAL SPORTS BED TAX AND PERMIT THE STATE TO GRANT A STATE SALES TAX REBATE FROM THE SALE OF GOODS AND SERVICES AT SUN LIFE STADIUM IN ORDER TO FUND A PORTION OF THE COSTS EXPENDED FOR THE UPGRADE AND MODERNIZATION OF SUN LIFE STADIUM

WHEREAS, Sun Life Stadium hosts games for the Miami Dolphins and the Miami Hurricanes and premier events such as the Super Bowl, Pro Bowl, Orange Bowl, BCS Championships, world class soccer events and concerts; and

WHEREAS, each of these events bring visitors and tourists to Miami-Dade County, most of whom stay in hotel rooms and spend discretionary funds in the County resulting in the creation and/or retention of thousands of jobs in our community and spurs economic development vital to the economic health of Miami-Dade County; and

WHEREAS, Miami-Dade County and its businesses experience over \$300 million in economic benefits through the hosting of a single Super Bowl; and

WHEREAS, Miami-Dade County has a rich tradition and world-wide brand associated with hosting 10 Super Bowls, more than any other major metropolitan area in the United States; and

WHEREAS, the Super Bowl Host Committee is now in the process of bidding for the 2016 50th Anniversary Super Bowl, the single most important Super Bowl bid to date, as well as the 2017 Super Bowl, against San Francisco and Houston, both of which will have new state-of-the-art stadiums as components of their bids; and

WHEREAS, the 25 year old Sun Life Stadium, one of the oldest NFL stadiums in the United States, is now in need of significant modernization so that it will be competitive with state-of-the-art venues in Dallas, San Francisco, New Orleans, Houston, Phoenix, and New York, all of which are aggressively pursuing future world-class events, such as the Super Bowl, BCS Championship and Semi-Final Games, international soccer matches, Pan-Am Games, Olympic-sanctioned events and large entertainment events; and

WHEREAS, upgrading and modernizing Sun Life Stadium to as-new condition would significantly enhance Miami-Dade County's bid for the 2016 (50th Anniversary) and 2017 Super Bowls, would permit Miami-Dade County to remain competitive as a premier national and international location for world-class sports, and entertainment events, and help Miami-Dade County create thousands of local construction and permanent jobs and spur its economic growth for decades to come; and

WHEREAS, in order to develop a financial model to allow Miami-Dade County to sustain the long-term economic benefits from tourism that is related to major sports and entertainment events, and more specifically to support the as-new modernization and upgrade of Sun Life Stadium, it is necessary for the State to enact legislation to allow the Miami-Dade Commission to levy the existing statutorily authorized additional professional sports bed tax on persons (mostly visitors and tourists) lodging on the mainland of Miami-Dade County (which under current law, would exclude Miami Beach, Surfside, and Bal Harbour), and to allow the State to grant Sun Life Stadium a State sales tax rebate from goods and services sold at Sun Life Stadium, similar to what other professional sports franchises throughout the State have received for specific professional sports franchise facilities, subject to a statutory requirement that all or

any portion of the State sales tax rebate shall be utilized to fund a capital improvement project(s) with a cost equal to or in excess of two hundred fifty million dollars (\$250,000,000.00) provided a majority of the cost of such project is funded by private sources; and

WHEREAS, it is estimated that the completion of the proposed state-of-the-art upgrades to Sun Life Stadium alone would create approximately 3,700 construction jobs, an incremental 1,100 permanent jobs and approximately \$2 billion in overall economic benefit to Miami-Dade County over a fifteen (15) year period,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to enact legislation that enables the Miami-Dade County Commission to levy by a "super majority" vote the already statutorily authorized additional penny of professional sports bed tax on persons lodging (mostly visitors and tourists) in the County, with the exception of those persons lodging at Miami Beach, Surfside and Bal Harbour, that permits the State to grant a State sales tax rebate on goods and services sold at Sun Life Stadium, and that authorizes the use of such bed tax and State sales tax rebate to fund a portion of the as-new modernization and upgrade of Sun Life Stadium for the benefit of Miami-Dade County's economy, provided that the cost to renovate the facility will be in excess of two hundred fifty million dollars (\$250,000,000.00), of which a majority will be funded by private sources.

Section 2. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, Senate President, House Speaker, and the Chair and Members of the Miami-Dade County State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the legislation described in Section 1 above, and authorizes and directs the 2013 State Legislative Package be amended to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro
Jose "Pepe" Diaz
Sally A. Heyman
Jean Monestime
Sen. Javier D. Souto
Juan C. Zapata

Esteban L. Bovo, Jr.
Audrey M. Edmonson
Barbara J. Jordan
Dennis C. Moss
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of January, 2013. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

GBK

Geri Bonzon-Keenan

ATTACHMENT 4



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

City of Miami Beach Request for Assistance – Determination of a Suitable Sand Source for Miami-Dade County Beach Erosion Control Project

BACKGROUND

The Army Corps of Engineers and Miami-Dade County officials have long discussed the exhaustion of the traditional offshore borrow pits used to renourish the Miami-Dade County beaches and the possibility of acquiring compatible sand from a foreign source as a solution to this problem.

Indeed, efforts were underway in the late 1990s to acquire foreign sand from the Turks and Caicos Islands when the Committee included language in the FY 1999 Energy and Water Conference Report (HR 4060 – 144 Congressional Record H8842-02, H8849) which stated: *“The conferees direct that none of the funds provided for the Dade County, Florida project be used for acquisition of foreign source materials for the project unless the Secretary of the Army provides written certification to the Committee on Appropriations that domestic sources of material are not available.”*

As a result of this language, all efforts to acquire foreign sand were halted and the Corps began a study to determine the availability of a domestic sand source.

ACTIVITIES IN 2007-2008

Stakeholders sat back through the first half of the decade patiently waiting for the Corps to complete their study but grew restless as there seemed to be very little progress. As a result, the City began reaching out for their elected officials in 2006 to ask their assistance in pressing the Corps to complete the study.

Initial inquiries into the Corps' actions uncovered that they had identified a source in Federal waters off the coast of St. Lucie County, Florida. Once alerted to this plan, however, state lawmakers, concerned about the precedent of one county raiding another's borrow sites, resoundingly rejected this proposal.

At this point, the Miami Beach/Miami-Dade County Congressional Delegation contacted their Congressional Delegation, which led to a meeting between Miami Beach and Dade County Officials and then Assistant Secretary of the Army for Civil Works John Paul Woodley and other Corps officials on June 27, 2007, in the office of Congresswoman Ileana Ros-Lehtinen. Also in attendance were Representative Debbie Wasserman Schultz and staff from other Members of the Florida Delegation, including staff of the Florida Senators. Among the items discussed was completion of the Letter Report dealing with the availability of domestic sources of sand for renourishment of the City's beaches.

By the end of 2007, the Corps returned to Capitol Hill to announce that the Letter Report had been completed, and it directed the following three track process:

- The release the final 500,000 cubic yards of sand in the Miami-Dade borrow pits;
- The immediate initiation of a process to evaluate and acquire a non-domestic source for Miami-Dade beaches; and
- The development of a long-term renourishment solution for the entire South Florida Region.

Although project stakeholders were initially pleased with these developments, we learned within six months of this “announcement” that a number of Corps staff continued to have issues with the report's findings that no sources of domestic sand existed and efforts to locate a viable domestic source were again underway.

RECENT DEVELOPMENTS

At the end of 2011 and the Army Corps had still done nothing substantial in the way of determining the feasibility of a foreign sand source for the Miami-Dade Project. Furthermore, City of Miami Beach and Dade County Officials learned in late 2011 that the Corps was again pursuing a sand source off of St. Lucie County.

Reports indicated that the Florida Department of Environmental Protection (DEP) and the Army Corps planned to 'expedite' a study of offshore sand sources in the St Lucie area, with the State being granted authorization for use in depleted locations around the state, if the findings so allow. Should it succeed, this effort will represent an unprecedented change in the statewide management of offshore sand resources.

Miami Beach Officials are supportive of any efforts to locate a viable quantity of sand for renourishment of the Dade beaches. They continue to have concerns, however, over the length of time for this new study coupled with the lack of a current source, not to mention additional political backlash in Tallahassee.

JANUARY 6, 2012 MEETING

On January 6, 2012, Mayor Bower and representatives of the City and County met with Assistant Secretary Darcy, "Rock" Salt, and uniformed and civilian staff from the Jacksonville office of the Army Corps of Engineers. From the City's perspective, the meeting began as a repeat of the December 2007 meeting in Washington DC, with no progress on identifying a long-term source of sand for renourishment. At that meeting, three options for sand were identified by the Corps:

1. Offshore Florida Sources (St.Lucie/Martin);
2. Offshore of Miami-Dade – requires a reduction of the bufferzone to the reef, from I believe 400 feet back to 150 feet, which was the original distance. They believe this could yield 1 million cubic yards;
3. Offshore Deepwater Sources – more than 100 feet deep, requires retrofitting of the dredging industry which will be super expensive and cost prohibitive;
4. Non-Domestic source(s).

The Corps said they were working with DEP on the sediment management study mentioned above. They believe that the sediment management study will show that Martin/St.Lucie have more offshore sand than previously believed, and also that the long-term needs of Miami have been overestimated. (At the Florida Shore and Beaches Preservation Association Conference in Naples in August 2012, the Corps and/or DEP stated that the draft report would be provided to stakeholders in October for review, to be finalized by the end of the year. The draft report has not been provided to the City, and it is the City understands that the report is not yet complete).

At the Jan 6, 2012 meeting, the Corps agreed to the following:

1. The Corps will move forward with a Dual Track and provide the City with the schedule and milestones for:
 - a. Regional Sediment Management Plan;
 - b. EIS of Non-Domestic Sources.
2. The Corps will evaluate methods to capture the sand that would normally accrete down to Miami Beach, but is lost due to the dredging that created Port Everglades and the Haulover Inlet.

The Corps also said that they have previously done some cost estimates for non-domestic sand but that the more recent bids they have seen for Bahamian sand are much higher than in the past. The City has not been provided the cost estimates.

CURRENT SITUATION

There is no short or long term source of sand identified for renourishment activities.

The 2007 Letter Report released the final remaining borrow pit offshore of Miami Beach. That source was used for the 2012 renourishment activities and it is now depleted.

The hotspots in Miami Beach continue to erode, and the situation at the 53rd Street Hotspot and south of the breakwater projects are critical.

REQUESTS

THE CITY REQUESTS THAT A SOURCE OF SAND (FOREIGN OR DOMESTIC) BE IMMEDIATELY IDENTIFIED.

The City requests the schedule and milestones for the Regional Sediment Management Plan and the EIS of Non-Domestic Sources, which the Corps committed to provide at the January 2012 meeting.

The City further requests a copy of the draft 'expedited' Regional Sediment Management Plan and to be included in the process of finalizing the report. The City further requests that this report be completed no later than March 2012.

The City requests an update on the status of the EIS for foreign source sand, a copy of the latest version of the EIS, detail regarding the most recent cost estimates for foreign sand, specifics on the foreign sand on which the EIS is being conducted, and an estimated timeline for completion, which the Corps committed to provide at the January 2012 meeting.

The City requests a copy of cost estimates for non-domestic sand that have been obtained by the Corps, which the Corps committed to provide at the January 2012 meeting.

The City requests an update on the status of the Corps' evaluation of methods to capture the sand that would normally accrete down to Miami Beach, but is lost due to the dredging that created Port Everglades and the Haulover Inlet, which the Corps committed to provide at the January 2012 meeting.

The City again requests periodic, official direct communication between the Corps and the City as it relates to efforts to identify a long-term source of sand. While the City understands that beach renourishment is pursuant to an agreement between Miami-Dade County and the Corps, it is critical for the Corps to realize the importance that Miami-Beach officials, who are in direct contact with the affected constituents, have the most up-to-date information on the progress of these efforts and on issues on which we may be of assistance. The City reiterates Mayor Bower's proposal that a conference call with the City Administration and leadership of the Jacksonville District be conducted quarterly to specifically discuss the long-term sand source issue.

The City requests clarification regarding the Corps' official position regarding truck haul projects in Miami Beach (assuming the existence of a viable upland source). The City has heard various positions taken on truck hauls in the past: that they are frowned upon because of wear on the roadways, that they don't provide enough sand for significant impact, that either the City of Miami or Miami-Dade County ordinances prohibit truck hauls, etc.



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

2013 FLORIDA LEGISLATIVE AGENDA

CRITICAL LEGISLATIVE PRIORITIES

Beach Renourishment

The City urges the Legislature to fully fund the State's share of beach renourishment funding at \$30 million. Additionally, the City supports efforts by the Florida Department of Environmental Protection to work with the US Army Corps of Engineers to address the critical issue of identifying long-term sand sources for the renourishment of Florida's beaches.

Sea Level Rise

The City of Miami Beach urges the state to prioritize funding and programs to address sea level rise.

Business Tax Receipts

The City of Miami Beach opposes the elimination of the Business Tax Receipt.

Stadium Funding

The City of Miami Beach opposes the expenditure of public funds for renovations/improvements to Dolphin Stadium, especially the use of funding for which the convention center project is eligible.

LEGISLATIVE PRIORITIES

Miami Beach Convention Center & Conference Facility Expansion

Identify opportunities to create funding options (e.g. legislation, grants, budget authorizations, etc.) to provide for future state support of significant convention center projects. Fully support legislative changes and funding opportunities to fund enhancements, expansion, and renovation of the Miami Beach Convention Center, including proposed economic development incentives that include sales tax increment districts and sales tax rebates.

Firearms

The City supports legislation that requires a background check on all firearm transactions.

Election Reform

The City supports legislation returns to two full weeks of early voting, including the Sunday before Election Day.

Parking Revenue

The City opposes efforts to transfer parking meter revenue on state roads from cities to the state.

Pension Reform

The City supports legislation that reforms local government pensions, in order to ensure the long-term viability of retirement benefits.

Windstorm Insurance

The City supports legislation that reforms Citizens Insurance, to help ensure not only that rate increases are minimal, to ensure policyholders receive credits they are entitled to, and that policies that are taken out of Citizens are securely underwritten. Additionally, the City urges the Legislature to take action to ensure that homeowner credits are not discounted.

Red Light Cameras

The City opposes legislation that repeals the authority of local governments to implement traffic control devices (red light cameras).

Destination Resorts / Gaming Bills

The City opposes efforts that would lead to the expansion of gambling, and to require any legislation to permit gambling to include a referendum requirement and limit the amount of convention center space that may be included.

Synthetic Drugs

The City supports legislation that bans the marketing, possession, sale or manufacture of bath salts containing dangerous synthetic drugs..

Texting and Driving

The City supports legislation that either bans texting and driving, or that authorizes municipalities to regulate and/or prohibit texting and driving within their jurisdiction.

Online Hotel Tax and Sales Tax Collections

The City supports amendments to Florida law to ensure a level playing field for Florida's retailers and hotels by expressly providing that internet firms be required to pay sales taxes on their goods and services, as is required of brick-and-mortar businesses. This will also strengthen Florida's economy by helping retain tourist dollars in Florida rather than being removed from the State by the online companies.

AGENCY ISSUES

Florida Department of Environmental Protection

- Beach Renourishment - the City supports efforts by the Florida Department of Environmental Protection to work with the US Army Corps of Engineers to address the critical issue of identifying long-term sand sources for the renourishment of Florida's beaches

Florida Department of Transportation

- Provide funding to the Florida Department of Transportation for the Interstate-395 expansion project in order to ensure the efficient movement of people and goods to and from South Beach and the Port of Miami.
- Explore funding opportunities for an East-West transit connector between Miami Beach and the mainland.

Florida Department of Economic Opportunity

- EB-5 Visas - the City urges the Department of Economic Opportunity (DEO) to explore creation of a statewide regional center to encourage EB-5 investors for economic development projects.
- Windstorm Insurance - the City urges the DEO to advocate for the creation of a Federal Windstorm program.

Florida Building Commission

- Double Permit Fee - the City urges the Florida Building Commission to adopt an amendment to the Florida Building Code giving municipalities authority to waive

the mandated double permit fee for work performed without a permit, subject to the Building Official's discretion where equitable circumstances are presented.

EDUCATION ISSUES

The City urges the Legislature to provide additional resources to enhance health care and wellness in schools, and to improve school safety.

The City supports the legislative priorities adopted by Miami Dade County Public Schools.

BUDGET ISSUES

The City will advocate for full funding for Miami Beach-based organizations during the budget process.

Identify and evaluate any potential sources of funding for water-related projects, including stormwater, wastewater, sea-level rise and water delivery, including desalinization activities.

The City supports full funding of the State Film Incentive, workforce development, recreation, cultural arts, historic preservation programs and housing programs.

The City encourages the state to issue bids for hybrid vehicles when procuring vehicles, thereby leveraging buying power and creating a mechanism for local governments to also purchase vehicles from the state contract.

LEGISLATIVE POLICY STATEMENTS

LGBT Issues

The City supports pro-LGBT legislation and opposes legislation that is bad for the LGBT community, including, but not limited to, issues such as gay marriage, adoption, bullying and discrimination.

Local Revenue Restrictions

The City opposes legislation that usurps the home rule powers of municipal residents to self-determine their form of government and the services provided.

Bottle and Can Deposit, Plastic Bags, Styrofoam

The City supports creation of a return deposit for bottles and cans, a statewide ban of Styrofoam on the beaches, and local authority to regulate the distribution & use of plastic bags by retailers.

Local Authority and Unfunded Mandates

Monitor legislative efforts to erode local control and authority, as well as efforts to pass additional costs from the State down to local governments, and work with the League of Cities to identify and reduce the number of unfunded mandates imposed on local government by the State.